

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SHARON A. DANDY,

Plaintiff,

v.

CV 08-1027-JCH-GBW

WILMINGTON FINANCE, INC.,

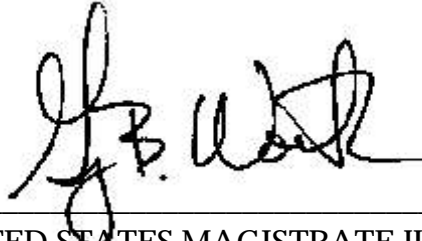
Defendant.

ORDER DENYING MOTION FOR PROTECTIVE ORDER

THIS MATTER is before the Court on Stewart Title of Albuquerque, LLC (“Stewart”)’s Motion for Protective Order (Doc. 101), filed November 24, 2009. *Doc. 101*. Stewart sought various protections from the requirements of a subpoena served upon it by Plaintiff. *Id.* On November 30, 2009, the Court granted Stewart additional time to respond to certain categories of the requests. *Doc. 107*. In the same Order, the Court stayed production of the remaining categories of the requests pending full briefing. *Id.* The Court also deferred ruling on Stewart’s motion for fees and costs. *Id.*

Plaintiff has since filed a response and Stewart has foregone filing a reply. *Doc. 115*. Having reviewed Plaintiff’s Response and attached exhibits, the court concludes that the pending relief sought by Stewart should be denied as moot. Moreover, the Court finds that “circumstances make an award of expenses unjust” in this matter. *See Fed.R.Civ.P. 37(a)(5)(A)(iii)*.

IT IS ORDERED that the Court will deny the remaining protection sought by Stewart's Motion as moot and will deny the requests for costs and fees.

A handwritten signature in black ink, appearing to read "J. B. White", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE